

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

PERRY CHAMANI and FAY CHAMANI

Plaintiffs,

v.

BAC HOME LOANS SERVICING, LP; et al.,

Defendants.

2:12-cv-1197-LRH-PAL

ORDER

Before the court is plaintiffs Perry and Fay Chamani's ("the Chamanis") motion to file an amended complaint. Doc. #19.¹

I. Facts and Procedural History

The Chamanis filed a complaint in state court against defendants for wrongful foreclosure. *See* Doc. #1, Exhibit A. In response, defendant BAC Home Loans Servicing, LP ("BAC") filed a motion to dismiss. Doc. #10. Thereafter, the Chamanis filed the present motion for leave to file an amended complaint. Doc. #19.

II. Discussion

A party may amend its pleadings after a responsive pleading has been filed by leave of court. FED. R. CIV. P. 15(a)(2). Leave of court to amend should be freely given when justice so

¹ Refers to the court's docket entry number.

1 requires and when there is no undue delay, bad faith, or dilatory motive on the part of the moving
2 party. *See Wright v. Incline Village General Imp. Dist.*, 597 F.Supp.2d 1191 (D. Nev. 2009); *DCD*
3 *Programs, LTD v. Leighton*, 883 F.2d 183 (9th Cir. 1987).

4 Here, the Chamanis request leave to amend their complaint to add additional claims and
5 allegations against the named defendants and to correct certain pleading defects. *See* Doc. #19. A
6 copy of the proposed amended complaint is attached as Exhibit 2 to the motion in accordance with
7 LR 15-1. Doc. #19, Exhibit 2.

8 The court finds that there is no undue delay, bad faith, or dilatory motive on behalf of the
9 Chamanis in requesting leave to amend their complaint. Further, the court finds that the matter is
10 early in litigation and that defendants would not be prejudiced by allowing amendment.

11 Accordingly, the Chamanis shall be granted leave to amend their complaint.

12
13 IT IS THEREFORE ORDERED that plaintiffs' motion to amend (Doc. #19) is GRANTED.
14 Plaintiffs Perry and Fay Chamani shall have ten (10) days from entry of this order to file the
15 proposed amended complaint attached as Exhibit 2 to the motion to amend (Doc. #19).

16 IT IS FURTHER ORDERED that defendant's motion to dismiss (Doc. #10) is DENIED
17 without prejudice.

18 IT IS FURTHER ORDERED that plaintiffs' motion to certify questions (Doc. #22) and
19 motion for writ of restitution (Doc. #23) are DENIED without prejudice.

20 IT IS SO ORDERED.

21 DATED this 28th day of November, 2012.



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24 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE